

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Rachel Stewart,

Plaintiff,

vs.

Property & Casualty Insurance Company of  
Hartford, Crawford & Company, and Palmetto  
Design and Renovation Contractors, LLC,

Defendants.

Civil Action No. 3:16-1601-TLW

**NOTICE OF REMOVAL**

Defendant Property & Casualty Insurance Company of Hartford (“Hartford”) hereby gives notice, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, that it has this day removed to the United States District Court for the District of South Carolina the above-captioned matter, originally filed in the Circuit Court for Richland County, South Carolina. Removal is based on federal question jurisdiction and is proper for the reasons set forth below.

**BACKGROUND**

This suit arises from an insurance claim submitted by Plaintiff to Hartford seeking coverage for water damage to her home as a result of a washing machine malfunction. [Exhibit A, Amended Complaint ¶¶ 5-7]. Plaintiff alleges in the Amended Complaint,<sup>1</sup> that Hartford accepted Plaintiff’s claim and contacted Defendant Crawford and Company (“Crawford”), a vendor, regarding repairs and remediation. [Id.]. The Amended Complaint continues on to allege that Palmetto Design and Renovation Contractors, LLC, (“Palmetto”) a member of the Crawford network, was then recommended to complete the work.

[**Exhibit A ¶¶** 8-10]. Plaintiff alleges that she followed this recommendation and contacted Palmetto, who allegedly represented it could handle the repairs, after which she hired them. [**Id.**]. Plaintiff, in this suit, takes issue with the remediation and repairs done by Palmetto, maintaining that the work was faulty. [**Exhibit A**]. As a result, Plaintiff asserts claims for Negligence and Breach of Implied Warranty against Palmetto; Negligence, Statutory Bad Faith and Common Law Bad Faith against Hartford for recommending Palmetto; Negligence by Crawford in “assigning” Palmetto to do the work; and Civil Conspiracy and RICO against all three Defendants for the referral system which Plaintiff maintains is a “pattern of racketeering activity” and an “ongoing organization and enterprise” whereby the defendants offer/receive bribes and kickbacks. [**Exhibit A ¶¶** 48, 49].

### **TIMELY REMOVAL**

Plaintiff filed the Amended Summons and Amended Complaint in this matter on January 22, 2016. [**Exhibit A**]. Plaintiff served Defendant Hartford with same by certified mail, restricted delivery, return receipt requested, which was effected on April 18, 2016. [**Exhibit B**, Proof of Service for Hartford]. Defendant Hartford was never served with an original Summons and Complaint, so Hartford has no information of an original pleading. This Notice of Removal is, therefore, timely filed within thirty (30) days of receipt of an initial pleading by Defendant Hartford in accordance with 28 U.S.C. § 1446(b). This Defendant has sought no similar relief with respect to this matter.

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<sup>1</sup> Defendant Hartford was never served with an original Complaint, but only with an Amended Complaint.

### **FEDERAL QUESTION JURISDICTION**

This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 due to Plaintiff's final cause of action for a RICO violation, citing 18 U.S.C. § 1962. Plaintiff alleges that the Defendants' referral system constitutes a "pattern of racketeering activity" and an "ongoing organization and enterprise," whereby the defendants supposedly offer/receive bribes and kickbacks in violation of RICO. [Exhibit A ¶¶ 48, 49]. Inasmuch as the RICO claim requires interpretation and application of a United States statute or law, Federal jurisdiction is triggered. The Court has supplemental jurisdiction over the remaining state law claims since the claims form part of the same case or controversy. 28 U.S.C § 1367(a).

### **VENUE**

Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a). This district and division embrace the Richland County Circuit Court for the State of South Carolina, the forum in which the removed action was pending.

### **NOTICE**

Defendant Hartford is giving counsel for the Plaintiff written notice of the removal of this action and has provided a copy of the Notice of Removal to the Clerk of Court for the Circuit Court for Richland County, as required by 28 U.S.C. § 1446(d).

### **PROCESS AND PLEADINGS**

**Exhibit A** constitutes all process, pleadings and orders served on Defendant Hartford in this matter. Defendant Hartford has filed no pleadings in this matter at present, but will move, plead, or otherwise respond to the complaint within seven (7) days of the filing of this Notice of Removal, in accordance with Rule 81(c) of the Federal Rules of Civil

Procedure. In this regard, Defendant Hartford specifically reserves and does not waive any defenses.

**CONSENT OF OTHER DEFENDANTS**

Defendants Crawford and Palmetto have been consulted and consent to this removal.

WHEREFORE, this action is hereby removed from the Richland County Circuit Court to the United States District Court for the District of South Carolina, Columbia Division, pursuant to the applicable sections of the United States Code.

s/Amy H. Geddes  
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*Attorneys for Defendant Hartford*

May 18, 2016

Columbia, South Carolina

**CERTIFICATE OF SERVICE**

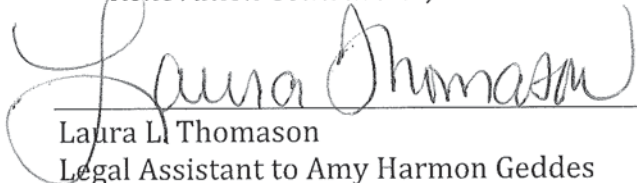
This is to certify that a copy of the foregoing ***Civil Coversheet, Notice of Removal and Defendant Property & Casualty Insurance Company of Hartford's Answers to Local Rule 26.01 Interrogatories*** has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 18<sup>th</sup> day of May, 2018.

T. Jeff Goodwin, Esquire  
Christopher J. Archer, Esquire  
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A handwritten signature in dark ink, appearing to read "Laura L. Thomason", is written over a horizontal line.

Laura L. Thomason  
Legal Assistant to Amy Harmon Geddes  
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